UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS WESTERN DIVISION

Dick's Sporting Goods, Inc., d/b/a Dick's Sporting Goods, Inc. #375)
Petitioner,	
v.) Civil Action No. 2:14-cv-02360-JPM
Kevin Boydston, Director of Industry Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives,) .) .)
Respondent.)))

CERTIFICATION OF ADMINISTRATION RECORD

- 1. The Attorney General has authority to deny an application for, or revoke, a Federal Firearms License, after notice and opportunity for a hearing, if the Applicant or Licensee has willfully violated any provision of the Gun Control Act of 1968 (GCA), as amended, Title 18, United States Code, Chapter 44, and the rules and regulations issued thereunder.
- 2. The Attorney General delegated the functions, powers and duties of the administration of the GCA to the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). 28 C.F.R. § 0.130(a)(1).
- 3. ATF's regulations and delegation orders confer the authority and power to deny applications for, and revoke, Federal firearms licenses to the Director, Industry Operations. 27 C.F.R. §§ 478.73 and 478.74.
- 4. On November 26, 2013, the Director, Industry Operations, Nashville Field Division, ATF, issued a Notice of Revocation of License, ATF Form 4500 (5300.4) to Dick's

Sporting Goods Inc., d/b/a Dick's Sporting Goods, Inc. #3752393 N. Germantown, Parkway, Memphis, Tennessee 38016, Federal Firearms License number 1-62-157-01-6K-03207 (Licensee).

- 5. By undated letter received by ATF Nashville Field Division on or about December 6, 2013, the Licensee made a timely request for an administrative hearing regarding that Notice.
- 6. A Notice of Hearing on Revocation of License dated December 18, 2013, was mailed, certified mail, return receipt requested, to the Licensee, scheduling the hearing date for January 15, 2014.
- 7. At the request of the Licensee, the hearing was rescheduled for February 5, 2014, and a second Notice of Hearing was issued January 3, 2014.
- 8. In accordance with 18 U.S.C. §§ 923(e) and (f), and 27 C.F.R. § 478.74, an informal administrative hearing was held on this matter on February 5, 2014, at the ATF Memphis Field Office, 2600 Thousand Oaks Boulevard, Suite 2300, Memphis, Tennessee, before Michael Reilly, Hearing Officer, ATF.
- 9. After the administrative hearing, upon review of the presentations of both parties, all evidence and argument, pursuant to 27 C.F.R. § 478.74, ATF issued a Final Notice of Denial of Application or Revocation of Firearms License, ATF Form 5300.13, dated March 25, 2014, to the Licensee.
- 10. NOW THEREFORE, I, Kevin L. Boydston, Director, Industry Operations,
 Nashville Field Division, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States
 Department of Justice, DO HEREBY CERTIFY that the documents and materials identified

below and attached hereto constitute a true, accurate and complete copy of the agency Administrative Record in this matter.

I. Official Transcript and DVR Audio Recording of Administrative Hearing.

II. <u>Hearing Exhibits</u>

A. Government Exhibits

Gov't Ex. 1 -	ATF Federal Licensing System Report – Dick's Sporting Good Inc. Store # 375
Gov't Ex. 2 -	ATF Form 4500 Notice of Revocation of License
Gov't Ex. 3 -	Request for a Hearing - December 6, 2013
Gov't Ex. 4 -	Power of Attorney
Gov't Ex. 5 -	Initial Notice of Hearing dated December 18, 2013 – Certified Mail Return Receipt
Gov't Ex. 6-	Amended Notice of Hearing dated January 3, 2014 - Certified Mail Return Receipt
Gov't Ex. 7-	ATF Form 5030.5 Report of Violations dated June 18, 2013
Gov't Ex. 8 -	ATF Form 4473 – Firearms Transaction Record - Jason Wayne Brady dated November 6, 2012
Gov't Ex. 9 -	A&D Record of Licensee dated June 13, 2013
Gov't Ex. 10-	ATF Forms 4473 – Firearms Transaction Record – Laura Carolyn Brady dated November 6, 2012
Gov't Ex. 11-	Dick's Firearms Transaction sign off sheet: Laura Brady
Gov't Ex. 12-	Tennessee Instant Criminal Background Check System results for Dick's #375 on November 6, 2012
Gov't Ex. 13-	Acknowledgment of Federal Firearms Regulations dated June 18, 2013
Gov't Ex. 14-	Blank ATF Form 4473

B. Licensee Exhibits

- Licensee Ex. 1- Dick's Sporting Goods Manual Excerpt
- Licensee Ex.2- Denied/Delayed & BOLO Procedures Dick's Sporting Goods Inc.
- Licensee Ex. 3- Warning Conference Letter & Report of Violations for Dick's Store #226
- Licensee Ex. 4 Licensee response to ATF Form 4500 Notice of Revocation of License
- Licensee Ex. 5 Report of Interviews of Matthew Krueger, Jason Brady, Laura Brady
- Licensee Ex. 6 ATF Form 4500 Notice of Revocation of License (Gov't Ex. 2)
- Licensee Ex. 7- Request for a Hearing December 6, 2013 (Gov't Ex. 3)
- Licensee Ex. 8- Initial Notice of Hearing (Gov't Ex. 4)
- Licensee Ex. 9- Amended Notice of Hearing (Gov't Ex. 5)
- Licensee Ex. 10 ATF Form 5030.5 Report of Violations June 18, 2013 (Gov't Ex. 6)
- III. Undated Report to Director, Industry Operations by Hearing Officer Michael Reilly received by Nashville Field Division March 13, 2014.
- IV. Final Notice of Denial of Application or Revocation of Firearms License, ATF Form 4501, dated March 25, 2014, by Director, Industry Operations, Nashville Field Division, and attached Findings of Fact and Conclusions of Law, served on March 25, 2014.

CERTIFICATION OF RECORD

I, Kevin L. Boydston, Director, Industry Operations, Nashville Field Division, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice, hereby certify under penalty of perjury that the accompanying documents and physical evidence constitute the official administrative record for ATF's revocation of the Federal Firearms License of Dick's Sporting Goods Inc., d/b/a Dick's Sporting Goods, Inc. #375, 2393 N. Germantown, Parkway, Memphis, Tennessee 38016.

Dated: This 21th day of June, 2014.

Kevin L. Boydston

Director, Industry Operations

Nashville Field Division

Bureau of Alcohol, Tobacco, Firearms and

Explosives

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